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BRIEF OF THE CHOCTAWS
IN REGARD TO THE
NET PROCEEDS OF THE SALES OF THEIR LANDS
EAST OF THE MISSISSIPPI, CEDED TO THE UNITED STATES.

The report of the Chairman of the Committee of Indian Affairs of July 6, 1868, in the House of Representatives, states well and ably all the details in this connection, giving accurately the figures which led to the result. A reference to this report and also to the memorial and supplemental statement of P. P. Pitchlynn, Choctaw delegate, will show the data of the present more condensed statement.

It is a matter of public notoriety that the Choctaws once occupied homes east of the Mississippi river.

As the white population pressed upon them the United States purchased the residue of their Eastern possessions, and they moved to their home west of the river.

The Choctaws, claiming the proceeds of their ceded territory, and other claims being persistently urged by them in connection therewith, after negotiations, which it is unnecessary to particularize, the matter was finally referred to the Senate of the United States for adjudication.

Pursuant to this reference the Senate, on the 9th of March, 1859, made an award establishing the principle on which the Choctaw claim was to be settled, and referring the matter to the Secretary of the Interior to state an account in accordance therewith.

This account is given in full in the report of the House Committee on Indian Affairs, already mentioned.

It sums up with a balance due the Choctaws of \$2,981,-247.30.

This balance the Senate changed by making certain reductions, also shown in the above report, leaving due as "net proceeds," in their judgment, the sum of \$2,332,560.85, towards paying which there was appropriated on the 2nd March, 1861, the sum of \$500,000, one-half of which to be paid in money, and the other half in the bonds of the United States.

Thus, the amount admitted to be due to the Choctaws at this time, as ascertained by the action of the Senate, confirmed by the appropriation by both houses of the \$500,000 aforesaid, is the sum of \$1,832,560.85. It will thus be seen that action is now asked—not to establish a doubtful claim—not to originate a new one—but to pay a debt ascertained under treaty stipulations—to satisfy a MATTER IN JUDGMENT, and to carry out, in full, what was in part carried out in 1861.

The Choctaw Nation is impoverished; its people are suffering; its schools are falling to decay; its very civilization, the object of so much care on the part of the government, is in peril, for want of the means which the action of Congress in the execution of its own legislation would supply.

P. P. PITCHLYNN,
SAM'L GARLAND,
PETER FOLSOM,

Choctaw Delegates.

January 30, 1869.

1869

REMARKS
OF
JOHN W. POLK
BEFORE THE
COMMITTEE ON REFORM IN THE CIVIL SERVICE,

In Defence of his Action as Doorkeeper of the House of
Representatives, Forty-Fifth Congress.



MR. CHAIRMAN AND GENTLEMEN: It is not my purpose to weary you with a long argument in my defence. You are in possession of the facts in my case so far as they have been developed by the testimony. Upon them I rest with a firm reliance in a fair and impartial report to the House by your honorable Committee.

I think you will bear witness that from the beginning of this trial I have not attempted to evade the disclosure of any public act of mine, nor to shirk the responsibility attaching thereto. In my own testimony I have not knowingly withheld any facts affecting my official conduct from you.

I was arraigned on specific charges, which I have answered, with what success your honorable Committee and the House of Representatives are to be the judges. I

have never objected from the first to the largest scope of investigation, taking the stand myself (contrary to the established rules of practice) before my prosecutors, upon whom should have rested the responsibility of making their information good by proof, and thereby giving my army of enemies the advantage of casting their "dragnets" in all channels to secure evidence to rebut my statements. I also believe that your honorable Committee will bear witness that at every stage of the investigation I exhibited no unwillingness to its taking the widest range, even to the extent of opposing the counsel of my able legal adviser, Judge Hanna. When the judge first appeared in my behalf he supposed, as I in the beginning also had, that the case would be conducted in accordance with the strict legal rules of evidence governing ordinary prosecutions in the courts, and that the informers would be required to sustain the allegations set forth in the affidavits of Coryell and Duffy, accompanying the Baker resolution. Having that view of the case, I prepared myself with testimony to show that the charges made by these two men were the culmination and result of a conspiracy entered into by a number of disappointed office-seekers and discharged office-holders, together with a few instigators in more respectable positions. That purpose was abandoned after the assurance had from your honorable Chairman that it was unnecessary to send for witnesses to rebut these charges. It was with much reluctance, however, that I relinquished my purpose of showing to the world who and what these conspirators were, for I then felt, as I now do, that it was an injustice to me that a Member of Congress should exercise the accidental privilege conferred upon him by a rule of the House to scatter broadcast over the country, through the *Congressional Record*, an *ex parte* statement of two discharged employés of my department,

unsupported except by that Member's own statement that he had assurances that these men (Coryell and Duffy) were respectable and worthy of belief, which he offered as an apology for the introduction of his resolution.

Therefore, gentlemen, I hope you will appreciate the motive that influenced my desire to unmask the enemies who, to injure me, have also attempted to cast odium upon those who elected me to office; but that is past, so far at least as the investigation of your Committee is concerned, and I would respectfully ask your honorable Committee for a fair and impartial consideration of the facts brought forth during this trial. I claim from you no justification of any illegal act of mine if you cannot find it in my inexperience, my motives, and the embarrassments that beset me, trusting as I do to your discrimination between evil motives and errors of the head, bearing in mind the incessant importunities that harassed me day and night. I will further ask you not to overlook two important reasons for this never-ceasing pressure upon me for appointments to the few places under my control:

First. The number and distress of the applicants.

Second. The small amount of Federal patronage in the gift of the Democratic party, there being but about two hundred positions, one-half of which are in the Doorkeeper's department of the House.

The general depression of business throughout the country for the past two years has thrown out of employment many business men, young and old alike, who, in their ignorance, flock to Washington city to take their chances for employment; another class, and the most persistent, are those who have been discharged from positions in the several departments of the Government. Each one of these place-hunters, and their name is legion, have a representative in the House, whose duty they consider it is

to importune me for relief, making the pressure tenfold greater than it was with my predecessors in former Congresses.

The expenses of the Doorkeeper's department of the House, including the folding of public documents, as shown by the letter of Mr. McPherson, the Clerk of the House of Representatives for the Forty-Third Congress, Miscellaneous Document No. 10, for the fiscal year ending June 30, 1873, was \$162,680.44. The appropriation made for the same service, for the current fiscal year ending June 30, 1878, is in all \$105,210, showing a reduction of \$57,470.44 in favor of the present Congress over the Forty-Third. The amounts paid by special resolutions out of the contingent fund of the House are not estimated for either Congress.

The Forty-Fourth Congress appropriated for the current fiscal year, for the Doorkeeper's department of the House, \$105,210, which includes \$12,250 for folding public documents. The appropriation for the same employés and uses in the Senate is \$100,389, making the cost to each Representative \$304.80, and to each Senator \$1,320.09—*over one thousand dollars more to each Senator than to each Representative.*

From the letter of the Secretary of the Treasury, transmitting estimates of the legislative expenses for the fiscal year ending June 30, 1879, it will be seen that the expenses of the Government for each Senator is \$5,830.87, and for each Representative \$1,528.77, making the legislative expenses of the House \$4,302.10 less to each member than to each Senator. Exhibit on page 129 of the printed testimony shows that there were at the second session of the Forty-fourth Congress, employed and paid by the House of Representatives, an extra force of *forty-seven* persons, at a cost of \$8,952.21, or \$97.38 per diem while employed. The extra force employed by me for the called

session of the present Congress were paid under resolution of the House, appropriating the sum of \$3,840 for that purpose, at a cost of \$80 per day for the time employed, showing a saving of \$17.38 per diem to the Government for the same period of employment, notwithstanding the large number employed by me and some twelve others, paid under that resolution, who, it was found, had been doing work for the Government without legal authority from me, but who, if not paid, would continue to harass the House and Committee on Accounts.

If the House of Representatives had a force under the Doorkeeper according to members, equal to the force employed and used for same purpose in the Senate, it would have 90 messengers, 75 pages, and 145 laborers.

These statistics are not presented as an argument in favor of an increase of the messenger force in the House, for I now believe, since the hall has been transferred to the Sergeant-at-Arms, the force is quite sufficient. I am free to acknowledge I was mistaken about the number of messengers necessary. In connection with the foregoing facts, which I offer only to show the causes influencing my action at the time I made these extra appointments, on the 1st of November, 1877, I also beg your consideration of the practices which, from long use and loose legislation, have grown almost into law, which, to say the least, are vexatious, and a source of great embarrassment to the officer at the head of my department.

I now most respectfully ask this honorable Committee to consider what motive I could have had for making these illegal appointments other than a desire to suit the convenience of the House. There was certainly no promise of either political or pecuniary gain. It was done in the confusion of a new organization, under what to me was a new condition of affairs, in which I honestly believed I was

doing right. I believed it was the intention of the House that each leading committee should have a special messenger, who could act in the dual capacity of messenger and deputy clerk, for I knew then, and know now, that the best clerical talent can be secured for the salaries paid the messengers. I have several messengers and laborers on my roll who are capable of filling the position of clerk to any committee of the House.

In the labor force there was at that time a necessity for more than the law authorized, and will be again when the rush of public documents from the Government Printing Office is repeated.

You have all the facts about the page-roll for December before you in the testimony. I have but little to say on that subject. When I discharged all the boys on the 15th of December, one-half of them finally, the other twenty-eight with the promise of reappointment on the 1st of January, it would have been just as easy for me to have made up my roll with the 28 pages for the full month and appealed to them to divide their salaries with their little comrades (who had no hope of reappointment) as it was to arrange the roll in the manner I did; there would have been no objection or murmuring on the part of the boys, as there has been none; but I preferred to have my public acts on record. I believed it was right and just, and I still believe so. I am persuaded that there is not one gentleman on this Committee who, if he had witnessed, as I did, the tears of these sad-hearted little representatives of widowed mothers and orphan sisters and brothers, would not have taken some responsibility to comfort them, when he was doing no harm to the Government, costing it no more, and doing them great good.

I rely upon your honorable Committee to do me simple justice. I submit these views without the advice of

any one, legal or otherwise, which I mention as an excuse for any wrong conclusions of law I may have advanced, for I am no lawyer. I never before held a political office, and if this one is to bring disgrace on my family and on my name—which I have through life endeavored to protect from taint—I shall deplore the weakness that led me from the pursuits of private life.

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